

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES

v.

SAMI AMIN AL-ARIAN

Case No. 1:08cr131

**DEFENDANT DR. SAMI AMIN AL-ARIAN'S
MOTION TO DISMISS THE INDICTMENT**

The defendant, Dr. Sami Amin Al-Arian, through his counsel, hereby moves to dismiss the indictment on the grounds that the compulsion orders violated the 2006 Plea Agreement, that the government has provided the Court with insufficient evidence for this case to proceed to the jury, and because the indictment would undermine the integrity of the Court and the legal process.

On March 9, 2009, the Court granted the defense Motion for Leave to File a Response to the Government's March 4, 2009 filing. (*See* Dkt. Nos. 105 & 107.) At the close of the March 9, 2009 Hearing, after the Court had orally granted the defense motion, the government asked the Court to clarify the procedural posture of the defendant's filing, asking, "[i]s this a motion to dismiss?" (*See* Dkt. No. 108, Tr. of March 9, 2009 hearing, at 30-31.) The Court confirmed that a Motion to Dismiss was the proper styling of the defense motion. (*Id.*)

The basis for this Motion is more fully explained in the accompanying memorandum of law.

Respectfully submitted,

Dr. Sami Amin Al-Arian

By Counsel

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Dated: March 23, 2009

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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